

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, March 28, 2018, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Luz Elena D. Chapa.

The following case will be presented:

City of San Antonio, Texas, Fire Chief Charles Hood, in his Official Capacity, and City Manager Sheryl Sculley, in her Official Capacity v. International Association of Fire Fighters, Local 624 - The City of San Antonio, Fire Chief Charles Hood, in his official capacity, and City Manager Sheryl Sculley, in her official capacity, appeal the trial court's judgment in favor of the International Association of Fire Fighters, Local 624. The judgment declared that the City, City Manager, and Fire Chief violated the Fire and Police Civil Service Act by creating a new non-classified position in the Department and filling it with a civilian, non-civil-service employee. The judgment enjoined the defendants from maintaining the non-classified position, and ordered the City Manager and Fire Chief, in their official capacities, to pay attorney's fees. On appeal, the issues are: 1) whether a newly created Fire Department position of Assistant to the Director is a "fire fighter" position that must be classified, and whether the City, Fire Chief, and City Manager violated the Fire and Police Civil Service Act by filling the position with a civilian, non-civil-service employee; 2) whether the City Manager and Fire Chief, sued in their official capacities, are immune from an award of attorney's fees in this case; and 3) whether the Union's claim against the City is barred by governmental immunity.

The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.